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April 11, 2024

**VIA ECF**

Honorable Miroslav Lovric  
United States District Court  
Northern District of New York  
15 Henry Street  
Binghamton, NY 13901

**Re:   *Shara v. Binghamton Precast & Supply Corp. et al.***  
**Civil Action No. 3:23-cv-135**

Your Honor:

We represent the plaintiff, Holly Shara, in the above-captioned matter, and write jointly with counsel for Defendants to respectfully request an extension of the parties' deadline to complete fact discovery.

Pursuant to the Text Order dated January 31, 2024, the current fact discovery deadline was April 1, 2024. Dkt No. 26. The parties apologize to the Court for the untimeliness of this request and recognize that this request should have been made prior to the expiration of the current deadline.

While the parties continue to work in good faith to exchange relevant documents and information, additional time is needed to complete fact discovery. Specifically, on February 14, 2024, Plaintiff's counsel provided Defendants' counsel with a deficiency letter outlining certain alleged deficiencies in Defendants' document production, including emails, text messages, and other communications related to Plaintiff's job duties and the job duties performed by other employees in Defendants' sales office during the relevant period. In order to help Defendants limit their search to those documents that are directly relevant to the claims and defenses in this action, counsel for the parties have jointly prepared a list of key terms that Defendants will use to search for responsive emails. Counsel for Defendants has represented that Defendants expect to begin the initial search for responsive emails based on the key terms shortly but do not yet have a time frame as to how long the search and production will take.

Additionally, on March 15, 2024, in accordance with the Court's Order dated February 9, 2024 (Dkt. No. 27), Plaintiff served responses to Defendants' First Set of Interrogatories on March 15, 2024. Recently, counsel for Defendants advised that they believe certain deficiencies exist in Plaintiff's responses and expect to provide Plaintiff's counsel with a deficiency letter shortly, which Plaintiff will review and promptly respond to.

Lastly, given that document discovery is not yet complete, the parties have not scheduled depositions. Since we are awaiting additional document discovery from Defendants, Plaintiff has not yet determined how many depositions will be necessary and who Plaintiff intends to depose, other than defendant Jay Abbey. Once Plaintiff receives the outstanding document production from Defendants, Plaintiff will be able to better assess which of Defendants' employees Plaintiff seeks to depose.

Counsel for the parties anticipate that they will need between three and four months to complete discovery, including depositions, and therefore respectfully request that the fact discovery deadline be extended to August 1, 2024. The parties will endeavor to complete fact discovery by the new deadline and will timely advise the Court if any further issues arise.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Adam Sackowitz  
Adam Sackowitz

Cc: All counsel of record (via ECF)